THE NEW REPUBLIC

Mr. Justice Black

Alexander M. Bickel

Confessions of a Word-Eater

Edwin L. Dale, Jr.

Grandpa and Lincoln

Richard L. Strout

One-Upmanship

Brian Sutton-Smith

March 14, 1960, 25 cents

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T.R.B. *from Washington*

Since Khrushchev's Visit

★ Sixteen months ago, Hubert Humphrey points out, Khrushchev launched his ultimatum on Berlin. He has extended the time once since – at Camp David. But now the demand mortgage comes due again. What have we done with the 16 months' grace? The ultimatum yielded Mr. K big dividends: two foreign ministers' conferences, his visit to America, an invitation to a series of Summit meetings starting May 16 in Paris, and an Eisenhower-Herter trip to the Soviet, June 10. We bought time. What have we done with it?

We have not passed an education bill. US Commissioner of Education Derthick says the Russians "have decided that education is the best means of winning their place in the sun – and on the moon. . . . The Soviet Union is like one vast college campus on the eve of a football game with its greatest rival, the US." The Soviets are annually turning out 200,000 more scientists and engineers than America. But in America – no education bill.

How about space? Wernher von Braun says the Soviet is "still moving faster than the US." George V. Allen, Administration member and head of the US Information Agency, says space inferiority has plummeted American prestige in critical India, Italy, Turkey and elsewhere. Eisenhower, however, says our prestige has not been damaged. He denies that we are in a space race.

Disarmament? Representatives of Britain, France, Canada and Italy met here January 25-March 1 to fix joint policy for Geneva Arms talks that resume March 15. Leaks to the press revealed that the visitors were shocked to discover the US had evolved no new disarmament plan, no coherent proposals. The five allies reconvene in Paris this week for a last try at a united policy. Herter and Eisenhower have been away in Latin America. Some fear the Allies won't be able to agree before Geneva.

Coordination of policy? The Pentagon last week announced test of a 9,000 mile missile – then suddenly canceled it. No explanation. Washington announced resumption of jet corridor flights to Berlin above the 10,000-foot ceiling, in defiance of Moscow. Suddenly these were postponed. No explanation.

Defense? ". . . Every objective committee of knowledgeable and unbiased observers," said Senator Kennedy last week, "every private or public study . . . every book and article by scholars in the field – all regardless of party, have stated candidly and bluntly that our defense budget is not adequate." Here is some of the testimony: *Life* magazine (ardent Eisenhower supporter): "President Eisenhower's defense budget is dangerously deficient," (Feb. 15). Robert Lovett, former Truman Secretary of Defense (Wall Street banker, Republican): "We are doing less than our best." Robert Sprague, chairman of the Boston Reserve Bank (life-long Republican): "The danger is more serious than the President has indicated to the American public." Also Thomas Watson, head of International Business Machines and James Baxter, head of Williams College, were both critical: "We cannot just go along with 'business as usual'; and hope to win," said Watson.

The Complacency Gap

★ But for 16 months the President has stressed what radio commentator Edward P. Morgan calls "his piggy-bank obsession" with a balanced budget. He has not tried to balance the budget at a higher level. Taxes are the instrument for apportioning national income between private spending and public spending. The Soviets now put 25 percent of gross national product into military preparations, the US only 9 percent. The Soviet GNP is growing faster than America's, partly due to Washington's conservative fiscal policies. But under the shadow of the Moscow ultimatum America has *not* increased taxes, it has *not* tightened its belt, it has not cut back private luxuries. In a world in which a nation can be destroyed in half an hour the US has tried to cut federal spending.

"It is the 'complacency gap' which troubles me even more than the missile gap," said Humphrey. And banker Sprague was asked who could ring the alarm bell? "There is only one man in the United States who can do this effectively, and that is the President," he answered.

Where's That Moral Tone?

★ Two years ago a House subcommittee slapped down FCC chairman John Doerfer for taking favors from a TV-chain owner; now *New York Herald Tribune* David Wise reveals Doerfer has taken more favors from the same man. Doerfer once collected three ways for a trip to Spokane – from the industry, a TV station and the government. All a mistake, he explained later. Ethics in government start at the top. Eisenhower takes gifts for his Gettysburg farm; ("the office of the President is too big to be influenced by any gift," explains the White House); Sherman Adams takes vicuna coats; heads of regulatory commissions take favors from people they are supposed to regulate; and the industry hands on rigged quiz shows to the public.

At his press conference February 11 a reporter asked Eisenhower if he felt it was wrong "for six top officials of the Defense Department" to speak at GOP fund-raising dinners? "No," said the President hotly. But GOP banker Bob Lovett, Secretary of Defense under Truman, testified last week that the practice shouldn't be allowed. "General Marshall felt very strongly in those areas, as I do," he said. Ethics start at the top.

Notes

★ Who gets death sentences – ? People too poor to hire good lawyers. California's Gov. Brown says of 110 executions in 15 years, 30 percent were Mexicans and Negroes. There is "compelling evidence of gross unfairness and social injustice . . . (in) the application of the death penalty," Brown told the legislature in his courageous message on Caryl Chessman.

Time-Life publisher Henry Luce's favorite Democratic candidate is Jack Kennedy. Since *Time's* cover story on Humphrey, February 1, the latter has hardly been mentioned. Once Kennedy is nominated Luce will back Nixon.

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"We Are Not Afraid"

The time may not be far off when the white South will look back on the 1954-1960 conflict over integration of the schools as the good old days. For the fight against segregation in the South is advancing to a new stage – from the courts and the Congress into the market place where emotions can be as taut as in the school yard. And the manner in which young Negroes are now organizing in the South reveals a purpose and technique that will be hard to withstand.

The protests against segregated lunch counters in dime stores that spread from Greensboro, N.C., to 37 other cities in 7 Southern states during February are not, as some optimists suggest, the 1960 version of "panty raids," that will peter out if ignored. They are a preview of how the new generation of Southern Negroes is likely to conduct its fight for equality.

These "sit ins" were not planned ahead. The evidence indicates that one student group read about another group refusing to leave a target lunch counter until served and decided to go and do likewise. No one organization or individual has yet emerged as leader of the movement, although the passive resistance principles being followed suggest the Rev. Martin Luther King as the logical coordinator when one is called for. CORE (the Congress of Racial Equality), which has given staff assistance to local demonstrators, is advising and instructing in the use of non-violent methods, but is not writing the script or producing the show. The remarkable thing about the current test of wills, therefore, is the self-discipline these young Southerners have so far shown.

They have chosen a reasonable goal – service at the lunch counters of stores which cater to Negro trade in other lines. The logic of their demand persuaded both of Greensboro's newspapers to advocate the serving of Negroes in the dime store. Clergymen in Winston-Salem, Durham, and Raleigh as well as Greensboro are jointly urging the same. Greensboro's Methodist ministers issued a statement saying that they would not be "in the least offended" if Negroes were served at lunch counters along with them, and, on the other hand, would be offended if Negroes were turned away.

The good behavior of the demonstrators, in most cases, is powerful propaganda for their side. An elderly lady-segregationist of the old school who saw Negroes being turned away from a lunch counter in Raleigh exclaimed indignantly, "They have no business refusing such nice, polite young people." And a *Richmond News-Leader* editorial writer put the matter forcefully in a February 22 editorial: "Many a

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Virginian must have felt a tinge of wry regret at the state of things as they are, in reading of Saturday's 'sitdowns' by Negro students in Richmond stores. Here were the colored students, in coats, white shirts, ties, and one of them was reading Goethe and one was taking notes from a biology text. And here, on the sidewalk outside, was a gang of white boys come to heckle, a ragtail rabble, slack-jawed, black-jacketed, grinning fit to kill, and some, God save the mark, were waving the proud and honored flag of the Southern states in the last war fought by gentlemen. *Eheu!* It gives one pause."

Here, in the national 10-cent-store chains, Negroes can show their new position in the world of buying power. More than 50 percent of dime-store customers in the South are Negroes. They make up an equally large proportion in most Northern cities, making sympathetic non-buying potentially significant. CORE-organized picket lines are operating against Woolworth's in half a dozen cities and individual boycotts are in process in many others. Such boycotts are easier to start than sustain; but they are alarming sights to management.

Given these facts, the chance of at least a partial victory for the Negroes in this first economic test of strength is good. City authorities, who have behaved with great responsibility in most of the recent incidents, will in many places quietly encourage some compromise arrangement. Police officers fear what may happen if gangs of young white hoodlums continue to hang around the stores seeking trouble – if, for instance, a white plug-ugly pours soup on a Negro girl one day. Well-disposed people are searching for ways to bury the present problem. Should they encourage stores to close the lunch counters – or simply take out the seats and integrate standing room (to which, strangely, no one objects) or rope off the counter into "white," "colored" and "integrated" sections? It is generally thought that whatever change is made at the first lunch counter, it will not be difficult for other stores to follow suit.

This kind of community trouble-shooting is likely to consume many more man-hours of the good Southern citizens' time in the future. The young Negro student has fired a new weapon and seen it work. Passive resistance did not force open the way into the Montgomery buses – nor will it guarantee him the privilege of the lunch counter right away. But it made him a recognized force – something new indeed – and gave him a technique which, as Martin Luther King pointed out to the demonstrators in Montgomery again last week, "baffles and astounds" the segregation leaders.

On his own part, the young college Negro is basking in bravery. "We are not afraid. We are not afraid," the paraders chanted at Alabama State College. In Nashville at Fisk University the talk was of filling the jails to overflowing. And indeed it is already rather non-U to be a part of a Negro student body that has not seen action on the demonstration line. The prominent Tuskegee sociologist Dr. Lewis Jones recently gave an inquiring reporter at least two good reasons why this should be: "The students have seen the pictures of Negroes entering school buildings in the face of the mob," Jones said. "The students know that this is their fight, that they, too, must be on the front lines."

Another important influence is the presence of exchange students from Africa on the campus of almost every Negro college in the United States: "The African students talk about the part they are playing in the independence movements of their continent and frequently they reproach American Negro students for not being as aggressive as their counterparts in Africa."

On another key point, Dr. Jones is candid if not reassuring. How long will resistance remain passive? Will Negro students calmly turn the other cheek if they are hit by white assailants? "Students are unpredictable and impulsive, as are most young people," Jones says, "and I fear that should violence occur the resistance on the part of the Negroes will not be so passive."

Aid that Hurts

Goaded by complaints in the press and in Congress that excessive secrecy surrounds our military assistance programs, the Defense Department made public for the first time last week country-by-country breakdowns showing the dollar value of military hardware received, or scheduled to be received, by 54 foreign governments during the past 11 fiscal years ending July 1, 1960. Some of the listings provide interesting confirmation of earlier unofficial estimates (*e.g.* Nationalist China, $2.148 billion). But as interesting as anything on the list is what is not on it. Pakistan and Saudi Arabia are listed – followed by blank spaces where the figures should be.

Military aid to both these countries is an aching nerve not only to their non-Communist neighbors but, in the case of Pakistan, to many in Washington. The omission of Pakistan from the aid tables coincides with the completion of an unpublished Comptroller General's report, exposing waste and poor planning in US aid to the Ayub regime, which will soon be transmitted to interested committees of Congress.

Much of the Comptroller General's report itemizes losses resulting primarily from Pakistan's inability to absorb an excessively heavy influx of military aid ($480 million since 1954). There are such relatively minor embarrassments as the $280,000 in unused equipment discovered lying about at the Lahore Engineer Supply and those 485 one-ton trucks ($3,053 each) which accidentally got on the order forms and never were taken off. Or the "millions of dollars" wasted in such extras as chrome fittings and fancy plumbing for the $53 million, US-built armored division cantonment at Kherian. There is "unsatisfactory control" in the Pakistan armed

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forces over spare parts – a polite euphemism for rampant blackmarketeering. Stock-control procedures are not adequate "to assure sufficient parts are available to keep major items such as aircraft operating."

The report discloses that in the case of 120 F-86 sabre jet fighters already delivered, the average usage or "in-commission" rate has been 42 percent compared to 70 percent in the US Air Force (though it is also noted that recent improvement on this score has been claimed). A squadron of 24 B-57 jet bombers ($42 million) is "tentatively programmed" for delivery that "cannot be satisfactorily maintained or used."

The Comptroller General finds no evidence that the Military Assistance Advisory Group in Pakistan has the slightest idea where the program is going. Pentagon cost studies show that the $62 million in military assistance to Pakistan for the current fiscal year could be dropped to $32 million and still be sufficient to support a military establishment capable of "maintaining internal security, offering limited resistance to external aggression . . . and providing token forces for operations outside Pakistan." Yet the Pakistan commanders set $124 million as the minimum needed to support what they interpret to have been the initial US aid pledge in 1954. And some of them, says the report, have ambitions which would cost the US $440 million per year. The United States is building up forces which, "to be fully effective," will require aid well above $62 million per year.

In general, concludes the Comptroller General, "our military aid program in Pakistan tends to conflict with our economic aid objectives in India." The State Department has also come to this conclusion in recent months. The Department seeks to promote better relations between India and Pakistan, not only by supporting the projected Indus River Development that would span the two countries, but in the military field as well: In New Delhi and Karachi, our diplomats are now speaking in one voice, suggesting gently the desirability of a military "freeze" of forces that are deployed by each country to defend itself against the other, and limited understandings as to the disposition of forces with respect to the common Chinese threat. The Department hopes that a political climate may develop in South Asia permitting the ultimate tapering off of arms aid. It would help if Washington would now place a terminal date on military assistance to Pakistan.

The President's Trip

Diplomats from both hemispheres who made the arrangements for the President's Latin American tour did their best to keep him from seeing anything unpleasant. That is protocol. Mr. Eisenhower's visit began with a short stay in the gleaming new capital of Brasília, Oscar Niemeyer's soaring architectural accomplishment, whose roads, bridges, power plants, water supply, public buildings and housing were financed by the printing press (the workers have paid the bill, through an inflation that has driven the *cruzeiro* down to 200 to the dollar). From Brasília, the motorcade made its way to downtown Rio, already beginning to celebrate Carnival.

WHAT AMERICA CAN AFFORD

The nine-page survey by Helen Hill Miller of the nation's needs in the 1960's has been reprinted and may be ordered from The New Republic *at 20 cents a copy.*

Buenos Aires, ringed with its strongly Peronist *cinturon de la miseria* (belt of misery), was a problem; the Presidential plane was greeted by picked troops with fixed bayonets, and the scheduled parade into the city was cancelled. Avoiding the slums, President Frondizi whisked his guest off to Mar del Plata, Argentina's Miami Beach, and then down to the hermetic isolation of the Andean resort town of Bariloche for some golf and fishing. On his final stopovers in Chile (against whose copper we discriminate) and Uruguay (whose meat we won't buy and half of whose wool clip is being sold to the Soviet bloc countries) the President was also carefully shielded from any contact with students, workers, labor leaders or poor districts.

Nevertheless, some echoes of a continent in turmoil got through. The President seemed genuinely distressed by a letter he received from Chilean student leaders criticizing the United States for protectionist trade policies and friendliness to dictators. In his reply, Mr. Eisenhower explained that "We . . . want every American Republic to become strong economically"; but he had nothing specific to say about crippling American tariffs on wool, fish, dairy products, copper and linseed oil, or recently imposed import quotas on cotton, lead, zinc and petroleum. The charge that the US supports dictators was "ridiculous . . . Surely no nation loves liberty more." The students showed a "serious lack of comprehension" when they brought up our loans and military assistance to Batista, Odría, Perón, Perez Jimenez, Rojas Pinilla, and our continuing aid to the Trujillo and Stroessner regimes ($12 million more as a loan recently to the latter). Above all, the President pleaded, "Let's don't read merely the sensational stories of the newspapers."

All in all, the few mild unpleasantnesses – the bombs that went off in Buenos Aires, the visit to a worker's quarter in Santiago, the students' demonstration in Montevideo – did not spoil the trip. The President had

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a chance to enjoy some August weather in February; he got a great deal of roaring adulation from the ebullient Latin crowds; he played a round of golf on what must be just about the southernmost course in the world; *Time* magazine's hard-working B.A. staff got a chance to describe his "radiant personality" and the "flower petals stuck to his pink and sweating scalp"; and the President's report to the nation notwithstanding, no change in any of our policies is yet discernible.

If There Were Disarmament

Communists have long taunted capitalist societies with the charge that our prosperity is the creature of heavy military expenditures, and the charge has had just enough substance since 1929 to give the anti-Communist some pause. He may recall uneasily that even in 1939, after six years of Roosevelt reform and intermittent applications of Keynesian economics, unemployment still amounted to some 9.5 million, approximately one out of every six members of the labor force. It is also true that during the years 1947-50 when the military budget averaged only $17 billion per annum, pent-up demand created during World War II combined with the enormous liquid assets created by the same event, to support the economy at high levels of activity. Since the Korean War, military expenditures have climbed to something near $44 billion each year, or not very much under 10 percent of our Gross National Product. Moreover, much of the expenditure has been in industries basic to industrial health: metals, machinery, equipment.

What might happen to profits if there were a genuine and prolonged "relaxation of tensions" and the disarmament which the 10-nation conference assembling in Geneva February 15 is assigned to seek? Could the "ruling circles" in a capitalist society permit peace to prevail if their own welfare suffered as its consequence? A thoughtful recent statement of the National Planning Association contains an intelligent answer to questions of this sort. In the first place present budget classification tends to inflate the scale of military spending. Some $5 billion of the total is actually devoted to research and development. These $5 billion represent more than half of total spending by all agencies, private and public, for research. The bulk of them could probably be redirected to peacetime projects.

Necessarily crude and controversial though they are, the National Planning Association estimates identify a need over the next five years to spend at present price levels $330 billion at all levels of government operation for non-military purposes. Of this impressive total, education could easily and profitably employ $30 billion; highways and skyways $75 billion; urban renewal, slum clearance, community development, and low cost housing another $100 billion; water supply and conservation $60 billion; health and hospitals $35 billion; and miscellaneous programs such as control of air pollution the remaining $30 billion. If we continue to spend at present rates, we will invest less than half of this total, or only $150 billion, in these public programs.

What is saved on defense can benefit other peoples as well. So far, as Chester Bowles wrote in these pages, aid to the economic development of Asia has been pitifully small in the light of what is needed. It is as though we ran out of imagination after the Marshall Plan terminated, and out of money after we elected General Eisenhower. Very soon, the new nations of Africa will be presenting the industrialized West with a list of new requests which cannot be ignored with complacency. In the coming decades, Asia and Africa can readily absorb almost any amount of capital.

Nothing renders it inevitable that this country would rise to these challenges. Nor is it sensible to underrate the difficulties of readjustment. It is not easy to shift from jet aircraft to home construction or from the complex electronics of missile production to earth-moving equipment. Yet, more and more people are coming to realize how badly rundown our social services are and how unpleasant life in the city and even the suburbs is becoming. A great stumbling block to improvement has been priority demands of defense on public funds. If armament spending fell, reduced federal taxes would make it easier to raise state and local levies, or, alternatively, federal grants to the states and localities could more easily be contemplated. The pains of readjustment might persuade the hesitant to add themselves to the ranks of the "spenders." Finally, although analogy is a dangerous guide, we should recall that industry converted from wartime to peacetime production much more rapidly after the end of World War II than anyone had thought possible.

Nondisappearing Candidates

The partisans of noncandidates Adlai Stevenson and Chester Bowles appear nonamenable to dissuasion. On the same day, Earl Mazo in the *New York Herald-Tribune* and the Associated Press reported, in almost identical language, that delegates to the California Democratic Council Convention in Fresno last month gave heaviest applause to the nonpresent Stevenson and Bowles, the first of whom remains noncommittal, and the second of whom says it is nonsense to consider him since he is firmly for Senator Kennedy. Nevertheless, during the past several weeks, Bowles has been listed as a possibility by Walter Lippmann, James Reston, Ralph McGill, Alistair Cooke of *The Manchester Guardian* and Tom O'Neill of the *Baltimore Sun*.

The *New York Post's* William V. Shannon wrote on February 11 of a "Bowles boom," and that Bowles'

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"emergence as a liberal dark horse candidate for President" has been "one of the extraordinary developments during recent months." Last weekend, a never-say-die delegation from Pittsburgh arrived in Washington bearing petitions with 2,500 signatures urging Bowles' selection. The noncandidate had wired them not to come.

Stevenson clubs throughout the country refused to be uprooted, and Bowles groups are sprouting in Philadelphia, Chicago, Colgate, Missouri, North Carolina. They are tender shoots and may never bloom in the summer. But the persistence of the persuaded is *non est disputandum.*

LOUIS H. BEAN ON ELECTION PROSPECTS IN 1960 – VI

The Voting Behavior of Labor

The historical pattern of the labor vote is just the opposite of the Farm Belt vote, but in 1960 both the farm vote and the labor vote may show increased Democratic strength. Whereas the farm vote, after a brief association with the New Deal tide at its crest, returned to its traditional Republican preference, the labor vote not only out-did other groups in swinging Democratic in 1936 but has since then remained more Democratic than the country as a whole. Remove the 1952-56 Eisenhower influence from the trend of the labor vote from 1936 to 1956 and you must conclude that the labor vote is, today, still overwhelmingly Democratic.

This generalization is, of course, subject to all kinds of questions and qualifications. What labor vote? Where is it, in Boston, New York, Detroit, San Francisco? In the metropolitan or suburban areas? Is it organized or unorganized, skilled or unskilled, native or of foreign background? We know, for example, that as a rule organized labor has been more Democratic than unorganized and that occupation, color, religion, geography and economic and international issues divide the labor vote as they do the voting behavior of all other groups. In this brief article we cannot deal with these differences in the most numerous of all voting groups. All I propose to do is to go to the industrial East for the pattern of voting in communities predominantly composed of wage earners, just as I went to the four agricultural states in the Farm Belt for an historical view of the farm vote.

My political stethoscope shows the heart of the industrial East to be located in the Pittsburgh-Youngstown area; for simplicity, say Allegheny and Washington counties on the Ohio border of Pennsylvania and Mahoning and Trumbull counties on the Pennsylvania border of Ohio. The labor force in these two counties is made up predominantly of wage earners, with less than 20 percent in professional, managerial and farming occupations. The foreign population is largely Central and South European by origin and Catholic by religion.

DEMOCRATIC PERCENT OF TWO-PARTY VOTE FOR PRESIDENT IN FOUR INDUSTRIAL COUNTIES, 1920-1956

	Four Industrial Counties	*US*	*Difference*
1920	29	36	−7
1924	18	34	−16
1928	34	41	−7
1932	50 +	59	−9
1936	69	62	+7
1940	62	55	+7
1944	61	54	+7
1948	61	52	+9
1952	54	45	+9
1956	48	42	+6

In spite of the great diversities and differences among the voters in these four counties the historical pattern is an unusually simple one. The great depression of the early 1930's converted the labor vote from predominantly Republican, since promises of the full dinner pail at the beginning of the century, to predominantly Democratic. This shift began in 1928 in response to Governor Al Smith and was completed in 1936 when it established the Presidential peak of the New Deal era. As the accompanying table and chart show, three Democratic gains produced the conversion, a gain of 16 percentage points in 1928, 16 points in 1932 and 19 more in 1936.

The Farm Belt gave Roosevelt its greatest support in 1932 and 1934, after farm prices had fallen to about 50 percent of parity. It began slipping in 1936 when the Republicans offered them a Farm Belt candidate, Governor Alfred Landon of Kansas. The Pennsylvania-Ohio labor vote gave Roosevelt its greatest support in 1936 in appreciation of the New Deal relief measures, jobs and greatly enlarged opportunities for labor union activity.

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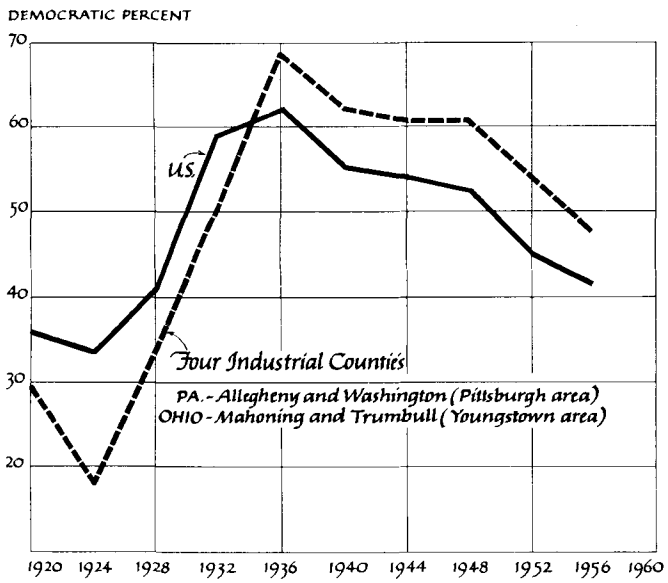
It may come as something of a surprise to find that since this political transformation the labor vote has responded to the changing conditions of the last 20 years in much the same way as the nation as a whole, though remaining more Democratic than the national average. In 1940 Roosevelt received less support nationally than in 1936 by 7 percentage points because of the third-term issue, increased unemployment (in 1938), the attempt to alter the economic complexion of the Supreme Court and our approaching participation in the war already in progress in Europe. The labor vote also fell 7 percentage points. In 1944 Roosevelt's percentage declined by only one percentage point. So did his labor support.

In the Truman election the labor vote in this region gave him the same support it had given Roosevelt in 1944. It responded in much the same way as did the nation as a whole to the first Eisenhower campaign, by reducing Democratic support by 6 points. Shifting another 6 points, it went Republican in 1956 when the Eisenhower national gain was only 3 points. On the basis of evidence in a subsequent article, I judge labor in the East gave Eisenhower this additional support because of the international crisis created by the British-French-supported Israeli invasion of the Suez in the last two weeks of the 1956 campaign. This, incidentally, is in sharp contrast with the reduced Eisenhower support in the Farm Belt.

If this interpretation is correct, the labor vote, without the effect of the Suez invasion, would not have gone Republican and would have remained 7 to 9 percentage points above the national Democratic average as it had been in the four elections 1936 to 1952.

LABOR VOTE FOR PRESIDENT 1920-56

Democratic Percent of Two-Party Vote Nationwide and in Four Industrial Counties



In judging the position of the labor vote in 1960, three recent episodes must be taken into account. One is the 1959 prolonged steel strike, which obviously has not added to Republican prestige, certainly not in these steel counties or with labor generally. Another is the 1959 Landrum-Griffin Labor Bill, the passage of which has called forth the announced opposition of the Teamsters' Union as well as of the AFL-CIO to all those who voted for it. But since Democrats as well as Republicans are responsible for the law disliked by organized labor, it is difficult to appraise its net effect on the 1960 Presidential vote. Perhaps since a Republican President signed the bill, Republicans will lose more than the Democrats will.

The third episode is the Republican effort in 1958 to pass "right-to-work" laws in several states (Ohio, Kansas, Idaho, Colorado, Washington, California), the net effect of which is a deepening of labor's belief that Republicans are against organized labor. The Republican defeats in the 1958 Senatorial races in Ohio and California, for example, are generally associated with the door-bell ringing activities of the organized labor vote and sympathetic citizens' committees. The right-to-work amendments were defeated by votes of 60 to 65 percent in Colorado, California, Ohio and Washington, where organized labor constitutes perhaps only 12 to 24 percent of the voting population, indicating that organized labor has, or can marshal, a great deal of support outside its own ranks.

The interplay between the voting on the closed-shop issue and voting for Senatorial and Gubernatorial candidates is clear in the vote that defeated Republican Senator Bricker in Ohio and elected Democratic DiSalle to the Governorship in 1958. Of the 16 heavily-populated counties all voting "no" on the right-to-work amendment, all 16 voted for DiSalle and only 3 for Bricker. Of the 19 counties that voted "yes," all 19 voted for Bricker and only 3 for DiSalle.

In California, the "no" vote and the vote for the Democratic candidates for the Senate and governorship are also highly correlated. In San Diego, Los Angeles and San Francisco the "no" votes were respectively 53, 58 and 68. The Democratic percentages for Governor Brown were 52, 58 and 71; for Senator Engle, 52, 54 and 59.

We are in no firm position to guess in which direction and how far the labor vote will shift in 1960. We can, however, assume (1), that there will be no equivalent substitute for the Eisenhower popularity of 1952 and 1956; (2) that unemployment may be somewhat more prevalent than in 1956; and (3), that the steel strike, the labor bill and the Republican efforts in 1958 to pass right-to-work laws will hurt the Republican 1960 campaign more than the Democratic. It would, therefore, be reasonable to conclude that the 1960 labor vote will be relatively more Democratic than in 1956.

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Grandpa Didn't See Lincoln

by Richard L. Strout

If Grandpa Lang had hitched up his team a century ago and gone over to hear the cornet band and the speaker at Dover, N.H., I would have had an invaluable set of reminiscences. He didn't. The speaker was going to be a Westerner named Lincoln. Grandpa stayed home.

This Lincoln was vaguely known as a former Congressman, or something like that, who had had the temerity to run for the Senate against Stephen A. Douglas two years before. Beaten, naturally. Now he had a boy at Exeter Academy and had come up to see him after a speech at Cooper Union in New York, February 27. He would be in New Hampshire the next few days.

Some people were willing to turn out and hear anybody, even ex-Congressmen. Not Grandpa. He was 30 at the time, living with *his* father, Squire Lang, in the old house on the hill where Auntie Rand cooked at a brick oven and the Squire used a tin container with holes punched in it for candles – just the way it was in Shakespeare's day. (The Squire was one of 20 children and had mortgages on half South Lee.)

It would have been so easy for Frank Lang to have harnessed up Zeno to help me out. It was mudtime and he had nothing to do that couldn't be accomplished in a winter day starting at 6 a.m. (Pretty soon he would be getting up early, at 4:30.) He could have watered the critters and gone the seven miles to Dover in time for the afternoon train. One man walked all the way over from Salmon Falls, and the Farmington people hired a special train. Not Grandpa. My experience is that in things of this sort you can't trust ancestors.

The crowd was bunched in the middle when the train came in but Lincoln climbed down at the far end, stovepipe hat and all, towering six inches above people. He carried an umbrella and a cylindrical leather bag. Jaws fell. After a minute people started joking and Lincoln said they didn't seem to have any tall men in Dover. Fire chief Ross was tall, but back-to-back with Lincoln he lacked two inches. Then somebody thought of deputy sheriff Edward Barnard (down from Farmington) who was six-foot-seven. Local pride recovered after the back-to-back test on the platform and Lincoln made what was intended for a bow but was so awkward people tittered.

Grandpa Lang was six-foot-two himself and if he had been there *he* might have stood back-to-back with Lincoln. Certainly he could have seen over the heads of the crowd in the second floor of City Hall. Only voters (men, that is) were allowed here, but the gallery held 200 women and one man. The single man was a reporter from the *Boston Evening Traveller* who spelled Lincoln's name wrong. He reported the next day that "Honorable Abram Lincoln spoke at considerable length upon national affairs" and that the speech "was able and well received." The topic? He didn't say. But he was *there*.

The platform was on the west side – on Locust Street – and ceremonies started around eight. Maybe 1,500 wedged in. Right away there was trouble about lights, but when Lincoln jack-knifed out an incredibly long arm and said something humorous about "the need to illuminate Democratic misdeeds," right away the city messenger lit all the gas jets.

Everybody craned. All they knew of the speaker was that he had debated the Little Giant, and had radical notions. He wore a black swallow-tail coat like the Western lawyer he was, with a satin waistcoat, a wide shirt front, black tie and collar bent every which way. He was 51. He had got his long legs in or around the rungs of his chair and untangled them with difficulty. People saw a lank almost grotesque figure with tumbled hair, hollow cheeks and seams about the mouth. He had deep-set eyes. He looked lonely.

"He is a Tolerable Declaimer"

Just because Grandpa failed to go and see for himself I have to turn to local accounts. The *Dover Gazette*, March 10 ("$1.25 one year in advance") was Democratic and read by Grandpa. It was not impressed:

"The hall was by the most extreme exertion of the Republican fuglers, about two-thirds filled with people. All had expected the greatest political speech that ever escaped from the lips of mortal man. Mr. Lincoln had been noised abroad as the great antagonist of Stephen A. Douglas. . . . But the result showed that defeated men are not the right kind to excite enthusiasm among the people. Mr. Lincoln's appearance on the stand is not so agreeable as some other speakers whom we have seen and heard. He is, strictly speaking, not an orator, albeit he is a tolerable declaimer, though he never knows where or how to place his hands or feet. They are always in his way, and he has not learned how to reduce them to his service. . . ." The *Dover Enquirer* asserted the hall was full, but it was Republican.

Lincoln's speech was substantially the same one he

RICHARD L. STROUT *is a veteran Washington newspaperman and an occasional contributor to* The New Republic.

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gave at Cooper Union, New York, the week before. (He used the material also in Manchester, Exeter, Hartford and Providence.) It was a powerful speech and had been printed in four New York newspapers. That was all to the good but probably he wouldn't have come East save for his son Bob. After a year at college in Illinois Robert Lincoln tried to enter Harvard and flunked 15 of 16 entrance exams. Harvard politely recommended a year at Exeter Academy. There the boy was now. When the New York Young Republican Club offered $200 for a speech in Cooper Union, the father accepted, bought a new broadcloth suit (too small), spoke in New York and then headed for New Hampshire. It was a decisive step for the New York speech was a triumph. If Bob hadn't flunked History, history may have been different.

My Grandpa was sent over to Exeter Academy, too, when he was 17, but unlike Robert Lincoln (who stayed and later finished Harvard) Grandpa walked home two days later. This ended his formal education. It was another place where Grandpa might have given me a valuable Lincoln association by a little exertion.

A Snake in Bed

Everybody in Dover knew the Democrats would nominate Douglas, but the Republican field was confused: there was Seward, Chase or maybe even Fremont. There was a lot of scare talk in the air about secession, but sensible people didn't take it seriously. Who was Lincoln for? They listened curiously. He had a high-keyed voice and didn't talk like Edward Everett. He tried putting questions to the audience without much response.

"You people here don't jaw back at a fellow the way they do out West!" he said good-humoredly. After talking an hour about slavery he asked if they didn't want him to stop – weren't they tired standing? It was odd; they had tittered when he began but now there was a sudden big cry, Go on – go on!

He compared slavery to a snake that had crawled in bed with the children; you had to handle such a situation with discretion, or you might hurt a child. John Brown had struck at the snake injudiciously. That wasn't right, but something had to be done.

"He is a dull, prosy speaker," decided the *Nashua Gazette* (Democratic), March 8, after he had talked there. Another paper – this one in Manchester, the *Union Democrat*, spelled the thing out in an editorial headed "Lincoln and the Irrepressible Conflict" –

"Abraham Lincoln, somewhat famous for having tried hard to get the seat in the US Senate, now occupied by Douglas, spoke Thursday evening for the Republicans of this city. . . . Lincoln is a queer looking specimen of humanity, and we can readily believe that the rustic simplicity of his oratory and the plausible mode of his reasoning, would secure to him a kind of popularity with that portion of the people of the West, who are capable of looking at one aspect only of a great question of national policy. . . . He openly declared that it was 'the policy of the Republicans to place their party on such a basis as would tend to secure the general extinction of slavery in this country'. These were his very words. . . . He declared that slave and free institutions could not both exist in our country. One or the other must go. . . . Here then we have the odious doctrine clearly enunciated, that the two sections of the country cannot live in terms of amity with different domestic social institutions. . . . Now the leaders of a great party acknowledge that they are committed to the policy of laboring for the extinction of an institution which exists in fifteen states of the union. . . . Mr. Lincoln has done a service to Democracy here by openly avowing and explaining a policy which only needs to be fully understood to be repudiated."

I suppose Grandpa Lang would have agreed with this because all the Langs were Democrats. Republican papers naturally took a kinder view. Here is what the *Daily Mirror* of Manchester said:

"He is far from prepossessing in personal appearance, and his voice is disagreeable, and yet he wins your attention and goodwill from the start. He indulges in no flowers of rhetoric, no eloquent passages; he is not a wit, a humorist or a clown; yet, so great a vein of pleasantry and good nature pervades what he says, gliding over a deep current of practical argument, he keeps his hearers in a smiling mood with their mouths open ready to swallow all he says. . . . His sense of the ludicrous is very keen. . . . Hence he is never offensive, and steals away willingly into his train of belief persons who were opposed to him. . . ."

Yes, the curious-looking stranger had a way with him. Maybe it was the subject, maybe the way he said it – but people certainly did listen. Grandpa Lang liked a good discussion (though he was a silent man mostly – even with Hannah, and later the eight children) and I think he would have enjoyed this. But as I say, he wasn't there.

What was going on in Lincoln's own mind? Well, Dover was 200 years older than Springfield, Illinois; it had a mellow, finished look. He visited the Cochecho Mills later and learned how they turned white cloth into calico. It was interesting, and Bob was doing well at Exeter; had friends – everything was all right. The trip had shown him also (perhaps to his own surprise) that he exerted the same spell here that he did back home. He had faced the most critical audience of his career at Cooper Union and caused a sensation. He came East a regional figure and returned home a national one.

Yet in all the newspapers of the time I have read, and I am sure in all the talk my Grandpa heard at Plummer's store next week, one thing was never mentioned – the possibility that exactly one year later A. Lincoln would be the principal speaker on the steps of the Capitol at Washington. Lincoln? – that tall man? . . . Nonsense.

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Chickens and Cranberries

by James R. Woodworth

Heavy hung the gloom over cranberry producers last Thanksgiving when the US Food and Drug Administration struck. Another pall fell over the poultry producers when the practice of using stilbestrol pellets for fattening chickens came under FDA attack. Next, the FDA turned on milk producers with a warning about penicillin residues in milk. And as if this were not enough, lipstick manufacturers were told to eliminate possible cancer-producing colors from their products. Now we are engaged in the national pastime of finding someone to blame: the Administration or the farmers or the chemical industries. Few recognize that the real culprit is our system of federalism.

Regulatory powers are divided between the federal and state governments. In general, products which cross state lines are subject to federal control, while products which remain within a state are subject only to state control. The consumer is thus supposedly protected from dangerous and adulterated food and drugs by the federal FDA when the product enters interstate commerce, and by his state agency when it does not. The two agencies are expected to work amicably together in what is called "cooperative federalism." How does this partnership work in practice?

The author has made an extensive investigation, culminating in a 10,000-mile trip throughout the West and Southwest sponsored by the Social Science Research Council, to study the effectiveness of food and drug administrations. Dozens of interviews, supplemented by questionnaires, have made it clear that cooperative federalism is far less successful than might be assumed.

At the heart of the problem is inadequate *state* funds to support effective regulatory programs. Salaries for inspectors begin as low as $219 a month in Georgia, $230 a month in Tennessee, $288 a month in Rhode Island; and reach a top of $290, $310 and $335 in Tennessee, Arkansas and Iowa. Eleven of the 50 state agencies have starting salaries for inspectors of $300 a month or below! How can any state find trained persons willing to work for such salaries and how can they be kept?

When staffs actually decline in size at a time when the business world is overwhelming us with new products, new plants and new problems, it is permissible to wonder what's wrong. Ohio's staff, as an example, declined from 35 in 1950 to 29 in 1957, and then to 26 by January of 1959. New Mexico, one of the fast-growing states, has a plan of drug inspection handled by one man. Not only is he the entire staff, he operates his own drugstore full-time, and supervises pharmacy examinations and inspects retail drugstores part-time. New Mexico has no appropriation to carry out pure food regulations. Mississippi, likewise, has never appropriated any funds for the enforcement of pure food and drug laws. Nor has Vermont a planned program; it handles the problems of pure food and drugs on a complaint basis. Illinois backs up one step further, for it has no program for drug regulation at all. A drug law was passed in Illinois just last year!

Laboratories, too, are frequently inadequate. Many states still make use of the university laboratory for testings, often on an out-of-date fee schedule. This often means that the university has little time to spare from its own program to participate in adequate testing for the regulatory agencies. The agency, moreover, asks for tests only where there is reasonable certainty of violations of the law. In one instance, the chief for enforcement of the drug law pointed to a row of packages he had picked up, which he believed to be violations of the state drug law. "Must get them checked at the university laboratory one of these days," he sighed, as he dumped them back into his desk drawer. "The trouble is they have so little time for this kind of thing, and we can pay them such a small fee, that I hate to send them anything unless I'm darned certain I can prosecute."

Wrist-Slapping for Violators

Still another problem is the weakness of the penalty provision in most states. Ordinarily a wrist-slapping punishment of $25 to $50 is the maximum, hardly a deterrent when several thousand dollars worth of fraudulent merchandise may be involved. All too often the violator views the penalty merely as a license fee to be included in overhead costs. Many a state food-and-drug chief admitted that he kept running into the same offenders again and again. While legitimate industry understandably fears the bad publicity of a seizure of goods, and therefore works hard to package and sell clean, quality merchandise, the fringe operator is much less concerned. The trifling fines do not disturb him, and he has no reputation to protect.

Then there is the difficulty in getting cases to court and then making them stick. Some states (Utah, Maryland and Oklahoma, for example) require that the county prosecuting attorney initiate cases against accused food or drug producers. But a popularly elected rural prosecuting attorney may be reluctant to prosecute local businesses, unless the violation is particularly fla-

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grant. Not only must the offense be serious, but the evidence must be overwhelming, in order to convince the prosecutor, the county judge and the county jury. And regardless of who initiates the case, every state food-and-drug agency is dependent on judges who are theoretically dedicated to the protection of the consumer, but are often more solicitious of important local businessmen. During the course of an interview, one agency chief related how his staff had once made inspections, gathered evidence indicating a violation of the law, persuaded the prosecuting attorney to prosecute, prepared the case carefully, testified in court, and actually won the case – only to have the judge assess a fine of $1! Surely the point would not be lost on the guilty producer. And how demoralizing to the agency.

When inspection programs vary greatly from state to state, when many states have inadequate staffs, laboratories and pay scales, the theory of cooperative federalism far outdistances the performance. The case of the adulterated cranberries illustrates the point.

In 1954, the FDA was given the power to set safety tolerances for pesticide residues on food products. In some cases, where the pesticide was found to be a carcinogen for test animals, a zero tolerance was established, as the law required. Thus on December 24, 1958, the FDA announced that the pesticide Aramite was found to cause cancer in dogs and rats. A zero tolerance was announced for this chemical. A similar situation arose last year with the weed killer, aminotriazole. It had already been established by the manufacturer that the chemical was cancer-causing in animals, and the US Department of Agriculture had warned growers not to use the chemical on weeds during the cranberry fruiting season. Unfortunately it was not until November 10, 1959, that the FDA was able to announce that a test had been devised by which it was possible to determine the presence of an aminotriazole residue on food products.

The complexity of the test was indicated by the FDA announcement: "The method for detecting aminotriazole in food requires a spectrophotometer, purified aminotriazole for checking the method, and two other special reagents." An article in the *New York Times* on November 13, 1959, indicated that "the shortest time for completing a test is seven hours." The complications are apparent. This is not a simple matter of timing, or routine bureaucratic skullduggery – it is an intensely complex scientific problem which requires skilled technical knowledge and expensive equipment, and time. The more remarkable the scientific advancements in the world of chemistry, the more difficult it often becomes to protect the consumer. The cranberry muddle was spectacular because it happened to coincide with Thanksgiving, but it will not be the last crisis of its kind.

What were the state agencies doing while all this was going on? They may have been most helpful in gathering cranberry samples for the district FDA offices, whose laboratories did the actual testing. But most states haven't the facilities and staffs to handle such a problem. Note that the Washington and Oregon state agencies did not initiate action against this pesticide residue – it was the FDA which acted. Until the latter stepped in, no state action had been taken at all. This is not the fault of the state agencies. They simply lacked the funds, laboratories, trained staffs, technical know-how and field inspectors. As the chief of the Washington agency stated in his letter, "This department is not equipped to handle matters of this kind routinely but every effort was made to meet the requirements of this emergency. This episode did much to focus attention on the fact that this state does need increased activities in the field of food inspection."

Indifference of the Public

What is the reason why so many food-and-drug agencies have to fight an uphill budgetary battle with Governors and legislators each year? Lack of public interest and support. Local and state police, fire departments get attention. But as for the equally important food-and-drug inspectors, their pay scales, their equipment, their testing laboratories, people aren't even aware they exist.

Yet if the state agencies are to carry out their part in our system of federalism, the general public must realize that the state is the *only* agency with jurisdiction over products that stay within the state. Both legitimate industry and the consumers need greatly strengthened state laws, stricter penalties, better-equipped state laboratories, and more and better-trained inspectors. As presently staffed, the US FDA is doing a yeoman's task, but it cannot be everywhere – and in fact, it is not permitted to be everywhere because of our federal system. As FDA Commissioner Larrick stated in an interview: "Our agency needs all the help it can get, in order to keep up with the ever-expanding, ever-changing, developments in the world of chemicals."

The states *must* do more than they are doing. Only a very few can be classified as having adequate enforcement programs. A classic example is Ohio. Heavily industrialized, rich, prosperous Ohio has a tragic history of ignoring its responsibilities toward its residents. The present Administration in the state is the first in 12 years to show interest in the problem of food-and-drug law enforcement. Its accomplishments are uncertain at this writing, but the change in attitude is in itself a refreshing improvement.

Unless all the states have regulatory programs, the quality, though not necessarily the size, of a first-rate agency like California, then the dangers for the unsuspecting consumer will mount – 107 people died in 1937 as a result of a product known as elixir sulfanilamide. Tragedy, when it strikes again, will most certainly come in a state-administered area.

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MR. JUSTICE BLACK

The Unobvious Meaning of Plain Words

by Alexander M. Bickel

There are two separate debates going on about the Supreme Court of the United States. One is deafening, interminable and, since it turns wholly on immediate controversies, timely; it is the shouting match that the segregationists and security-mongers engage in. The other is muted, constant and timeless; it is the effort, old as the Court itself, to subject to critical professional re-examination the nature of the Court's function and its performance. This latter debate gained a star participant on February 17, when Hugo L. Black, the senior Associate Justice and, it can be said in his lifetime, without doubt a figure of the first importance in the history of the Court, delivered a paper on "The Bill of Rights" at New York University Law School.

For professional observers of the Court, there was perhaps nothing particularly new in what Justice Black said. His very articulate judicial career stretches back, after all, to 1937, when the New Deal Senator took his seat in breath-bereaving succession to a member of the majority that had nearly wrecked the New Deal. The New York University paper is, however, notable as a concerted statement of Justice Black's position.

Referring as it were to the remarks of previous speakers, Justice Black says that there is a difference of opinion over the extent to which the Bill of Rights limits federal power. The ultimate resolution of this difference must "have far-reaching consequences upon our liberties." The previous speakers in question, though Justice Black does not name them, are quite unmistakably the last two Holmes Lecturers at the Harvard Law School: Judge Learned Hand and Professor Herbert Wechsler of Columbia, and no doubt Mr. Justice Frankfurter, if not in his judicial capacity, then surely as the author of the paper on the Judicial Function which he delivered as the opening address at the John Marshall celebration at Harvard in 1955. Since it can be asserted, I believe without hesitation, that Justice Black's philosophy (I was going to say views, but that may be too confining a word) is representative also of that of Chief Justice Warren and Justice Douglas among his colleagues, the debate is of more than "mere" academic interest.

There are those, says Justice Black – and one has every reason to suppose that neither Justice Frankfurter nor Judge Hand would wish to exclude himself from the category – there are those who recognize "no 'absolute' prohibitions in the Constitution," and for whom "all constitutional problems are questions of reasonableness, proximity and degree." This view, in Justice Black's judgment, "comes close to the English doctrine of legislative omnipotence." Be that as it may – and the closeness that the Justice sees is open to considerable question – he "cannot accept this approach to the Bill of Rights. It is [his] belief that there *are* 'absolutes' in our Bill of Rights, and that they were put there on purpose by men who knew what words meant, and meant their prohibitions to be 'absolutes' "; to be, that is, the dictionary tells one, unconditional, definite, certain. And there, stated truly enough, is one issue between judges who practise what is rather unhappily called judicial restraint, and those who are readier and quicker to strike at deliberate legislative and executive actions. Justice Black, of course, speaks readily for the quick.

It is central to Justice Black's position that he enters no plea for judicial supremacy. Quite the contrary. In no sense that he will vouchsafe is it judges who shape the limitations to be imposed on Congress and the President; rather it is the Constitution, the written Bill of Rights. "Where conflicting values exist in the field of individual liberties protected by the Constitution," says the Justice, "that document settles the conflict. . . ." Naturally enough, therefore, he goes to the text to make his case, and here we must follow him.

Starting in reverse order, the Justice soon reaches a point of some difficulty for one who expects to find absolutes. The Eighth Amendment prohibits the exaction of "excessive bail" and "excessive fines," or the infliction of "cruel and unusual punishments." This, says the Justice, "is one of the less precise provisions. The courts are required to determine the meaning of such general terms. . . ." But the difficulty can be overcome by excluding it from consideration. And that is not necessarily a debating tactic to be despised. Subjects for discussion must be sensibly circumscribed; no one can usefully talk about everything all at once.

So the Justice, having earlier excluded the "problem

ALEXANDER M. BICKEL, *of the Yale Law School Faculty, is one of the authors of a forthcoming eight-volume* History of the Supreme Court. *He is currently working on his volume, which is to cover the years 1910 to 1930.*

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of the marginal scope of each individual amendment as applied to the particular facts," proceeds here to argue that, whatever difficulties might arise in some cases, surely "*admittedly* [italics added] excessive fines or cruel punishments" are absolutely outlawed, and may not be allowed by any process of balancing reasonableness, proximity and degree. But, simple-minded though it may make one feel to ask, what for example is an *admittedly* "cruel punishment"? Is it what Caryl Chessman is still liable to? Or what he has already undergone? And is it the same today as when those "absolute" words were written? And who is to admit that it is admittedly? The People of the State of California? Chessman? The Supreme Court of the United States? Will a majority of judges do?

Language as Law

We try another Amendment. There is the Fourth, under which Brandeis, in dissent, would have forbidden wiretapping, and which for him, as for Bradley before him and for others after, speaks not only in the most stirring but in the most comprehensive language of all: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated. . . ." Justice Black's comment is that while there will be differences of opinion in determining what is "unreasonable" and thus barred by the Amendment, "if it *is* unreasonable [as if italicizing the verb somehow makes it so], it is absolutely prohibited."

Again, the Fifth Amendment's famous phrase, "due process of law," has been given effect over and above the narrow procedural content assigned to it by early statutes. Pursuant to "due process of law," after all, and so far as textual material goes, pursuant to it alone, school segregation was struck down in the District of Columbia. There has been, says Justice Black, much controversy over the meaning of the phrase. "Whatever its meaning, however, there can be no doubt that it must be granted."

One reads the sentence I have just quoted twice, and still it is a puzzlement. What has a defendant got who has due process of law, whatever that may be? But no matter. Possibly the reference is to an "admitted" ancient meaning, though that relegates much else to limbo. In any event, putting aside a restricted number of cases that turn on peculiar jurisdictional points, the Court has never divided on the question whether an "admitted" Constitutional command should be enforced, whether a Constitutional right, "whatever its meaning," must be granted. The issue always is, what *is* the meaning of the command, what is the instruction of the Constitution in a given set of circumstances? Does not Justice Black so circumscribe his subject as to obliterate it, does he not exclude all the difficulties that matter, leaving himself with the proposition, which it would be foolish to deny, that when everybody is agreed, all agree?

It would not do, I think, too lightly so to conclude. For Justice Black deals also with problems on which everybody is far from agreed. Thus, having recited the Sixth Amendment's guarantee of public jury trials in criminal cases, the Justice asks: "Could Congress then provide some other form of trial, where convictions could be more readily and certainly obtained, if it thought the safety of the nation so required? How about secret trials? . . . Can it be that these are not absolute prohibitions?" Well, the answer is, yes, it can be, and precisely in the circumstances the Justice mentions: when the safety of the nation requires it.

In June, 1942, eight trained saboteurs, one of whom appears to have been a US citizen, were landed on Long Island and in Florida by German U-boats. On July 31, a unanimous Supreme Court, of which Justice Black was a member, held that for entering the country in this fashion at this time, they could be tried in secret and without a jury by a military commission of seven generals. A few days later, six of the prospective saboteurs had been executed. Justice Black may have been right when he joined in this decision or he may have been wrong: I would not undertake to say without a closer analysis of the circumstances. At any rate, he was not absolutely wrong or absolutely right; the question was one of "reasonableness, proximity and degree." But 15 years later, Justice Black held that wives of soldiers who accompanied their husbands to an overseas military installation, lived with them there and there committed the crime of killing them could not be tried by a military court without a jury. I would not say, again, that he was absolutely wrong. Yet the Justice maintained, beyond question of reasonableness, proximity or degree, that he was absolutely right; it was simply a matter of permitting Constitutional language "to have its obvious meaning," of giving effect to absolute prohibitions.

Of this absolute insistence on language there are numerous other instances. In the paper I am discussing, Justice Black, having tackled the Bill of Rights in reverse order, rises to the climax of the First Amendment: "Congress shall make no law . . . abridging the freedom of speech, or of the press." Says Justice Black: "The phrase, 'Congress shall make no law' is composed of plain words, easily understood." And in a very recent obscenity case he added, calling italics to the aid of his assertion: "I read 'no law abridging' to mean *no law abridging*." But Holmes wondered, and a majority of judges have continued to inquire, what of the man shouting fire in a crowded theater, and what of the man inciting a crowd to violence, and so on and so on; the freedom of just what sort of speech is meant not to be abridged? Can it be said that the problem, as it arises from time to time on particular facts, is ever flatly decided by the "plain words" of the First Amendment?

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Thus the expression "admittedly" does not cover for Justice Black only those core cases in which everyone would indeed admit the force of Constitutional language, as when that document, for example, limits the President's term to four years and that of a Senator to six. It covers also cases in which the language, as a matter of common English usage, would not generally be deemed compelling, in which the process of decision involves, for other judges, non-textual considerations, but in which Justice Black declares himself compelled by language alone.

Some 25 years ago, writing for what is now cheerfully referred to as the Old Court, Justice Owen J. Roberts struck down the New Deal agricultural program (Triple A). In doing so he said that the only function of the Court in constitutional litigation was "to lay the article of the Constitution which is invoked beside the statute which is challenged and to decide whether the latter squares with the former." This was not an exercise of power; there was no volition in it; it called for a low form of judgment only, a nearly automatic act. But, as was widely pointed out at the time, this cannot be. It could not be for Mr. Justice Roberts, and it cannot be for Mr. Justice Black, and it merely obscures the actual process of decision to say that it can. Had the Framers meant to hand down to the ages a set of unconditional, definite and certain "absolute" directives under which the Supreme Court was to engage in nothing more than the jigsaw effort Roberts described, they would have created an unworkable system that would have failed and been forgotten long before now. For words – any words – are simply inadequate to serve such a purpose. It is all very well to regard the Constitution as a square hole to be fitted with square pegs; but it is in fact an instrument of broad policy, looking to the future and framed in the English language, and using very general terms, at that. It can become effective only through men who make policy in pursuance to its generalities.

How much policy they should make and how freely, in a society living today by the democratic faith, and what sort of policy and when – those are complex issues of judgment, in the resolution of which tradition and upwards of 150 years of recorded litigation offer guidance. It is these issues that Justice Black chooses to obscure, and one is entitled to ask, why?

The Will To Believe

"It sometimes seems to me," said the late Constitutional authority and constitutional wit Thomas Reed Powell, in the earlier days when statutes were being laid beside the Constitution and found to lack squarage, "that these judicial professions of automatisms are most insistent when it is most obvious that they are being honored in the breach. . . . They seem to appear less often when statutes are sustained than when they are condemned. . . . Try as I will, I cannot bring myself to admire both the candor and the capacity of the men who write such things to be forever embalmed in the official law reports. They must lack one or the other, or I must suffer from some such serious lack in me."

Now this quarter of a century later, the observer not only can bring himself to admire the capacity of so powerful a figure as Justice Black, he cannot bring himself not to. And it isn't really candor that is in question. For while professing to find his answers wholly in the Constitutional text, Justice Black often also professes his passionate belief in their validity. He speaks frequently with force and eloquence, in the accents of the dissenters, the Lilburnes and the Roger Williamses of Anglo-American history, for whom he freely announces his admiration, for which we may in turn admire him. It isn't, then, that he would hide his own fundamental convictions from public view. The question remains, in a sense, one of candor, but it is more complicated than that. I should say that it is a question – not unknown in other contexts, and not unfamiliar even in other areas of the law – of the utility of illusions and of the justification for creating them.

In Conrad's *Under Western Eyes*, the following passage refers to what a friend of a dead man should tell his grieving mother. The dead man's sister is speaking: "It would be a mercy if mamma could be soothed. You know what she imagines. Some explanation perhaps may be found, or – or even made up, perhaps. It would be no sin." It would be a mercy if the people of our democracy could be soothed when they find themselves ruled, to whatever extent, by nine men serving for life, and by appointment, not election. We know what most of the people imagine. It is that they rule themselves, under a Constitution that embodies self-evident and self-applying principles and that consequently commands the sort of allegiance that is given in Britain only to the Crown, not to the government of the day. To the extent that is not so, some explanation perhaps may be found, or – or even made up, perhaps. It would be no sin. It has been done before. It has been done, perhaps, more often than not.

But it is very dangerous. For the illusion can engulf its maker as well, and breed, as it has periodically done, free-ranging government by the judiciary. Such government is incompatible on principle with democratic institutions, and in practice it will not be tolerated. That way lie crises like the Court-packing fight of 1937. Such fights the Court, if it persists, must ultimately lose. The illusion of judicial impotence and automatism may, when fostered, be first acquired by the people and last, with the accompanying feel of omnipotence, by the judges themselves. But it is also first lost by the people and last by the judges. One day the judges may abandon it too late.

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Confessions of a Word-Eater

A Washington correspondent of the New York Times *cries "enough," as he reads the reports that we are rootless, apathetic, corrupt and lonely*

I have been reading again today. Like an alcoholic. I've tried – honestly I have – but I cannot stop. And of course now, at midnight, it has come over me again. The sense of depression, yes. But more than that. Mostly it's the awful feeling of being unable to decide which of all the terrible things that threaten us should be attacked first. I know it will happen again. I'll go to bed and, lying awake, will resolve never to read again. But then I'll go to sleep – guiltily – and tomorrow I'll start all over again.

Today was about the same as usual. It began with some of the testimony before the Jackson Committee. It turns out that We – I simply cannot help including myself in that term – are unrealistic; are too much in love with Our affluence; are confused by too much conflicting talk about our military strength *vis-à-vis* the Russians; have too many committees; are not trying hard enough; and are faced with a Total Challenge to Our Way of Life. It's terrible.

Then there were all those things about Our society. I couldn't help reading some fiction, then some criticism of fiction, then some criticism of recent work in the social sciences. Honestly, this is even worse. We are alienated. We suffer as individuals because individualism is disappearing. The loss of the Big Idea, or of God, has left Us drifting. The society is becoming more cynical than ever before (though I do not know tonight whether it is because of advertising, or Payola, or Hoffa, or the Loss of God, or nihilism, or affluence, or John Steinbeck). Urban strains – and it is time We woke up to the fact – are creating more and more misery. Love still exists, of course, but because it is more free it is more painful.

I look around me at the faces in the crowd. Many are smiling, but I know from my reading that this is deceptive. This is a lonely crowd. The people are seeking status, probably unsuccessfully. The men, I know, are enveloped by the pressures of the organization. They are politically apathetic, conformist, nervous, badly educated. Where they are not victims of sprawling suburbia, they are living on the edge of the inexorably creeping slums. They are affluent and misusing their leisure, but they cannot find decent housing that they can afford. How brave of them to smile, I think to myself.

My throat tightens. How can We confront the Russians and try harder when We are torn by such a deep inner struggle? Just think! While I was puzzling out the economics of defense, juvenile delinquents were roving the streets. I watched a sensitive play on television (everyone has missed the *real* evil of television: It is so good at its best that it diverts us from entertainment) about a Southern lady who suffered so much that she probably never heard of the Russians.

Yesterday it was a Small Businessman that I read about. He had terrible trouble. Only his trouble was not either alienation or the Russians. And you know what I did. I went back and read some more last night. I found out why it is practically impossible for the Underdeveloped Countries to advance from poverty because of the population explosion. True, I came away with the conviction that We should help with more economic aid. But unfortunately a friend came over after a deep quarrel with his wife and I got nowhere at all in convincing him of the Urgency of the problem. The worst of it was that I had read about the Roots of his trouble, and I didn't know which problem was worse.

There was a time when I was happy. I was young, of course, but that was not the main thing. I hadn't got the habit yet. I wasn't hitting the books. Except those boring schoolbooks about history and things that went in one examination and out the other. Those were the days when I thought a Conservative was a manager who used the sacrifice bunt in the late innings when he was one run behind.

I have learned about trouble now. Nothing that afflicts me personally, of course. Not bored wives or Big Business or Russians or unemployment or loneliness or Negroes, but books and magazines and newspapers. I met a guy once who said he never reads at all. Happiest guy I ever saw. Maybe out in Peoria or someplace most people are like that. Suffering, of course, because that is obviously the way Our society is. But suffering only in moderation because they don't read. Me, I can't help it. There's no use trying psychiatric treatment, because I've already discovered from my reading that it will never work. Anyway there is a terrible shortage of psychiatrists. I hate my weakness, but I know I cannot cure it. And the worst of it is, there is more and more irresistible stuff being turned out all the time. Why, do you know that Congressional Committees alone produced five volumes of upsetting expert testimony last week. How can I stop when I am tempted with more and more? My fellow readers are sadistic; they keep writing.

So do I. *Mea culpa.*

EDWIN L. DALE, JR.

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One-Upmanship Among Children

by Brian Sutton-Smith

Here is a wealth of information about children which was collected throughout the British Isles over the past ten years and has never before been recorded, let alone considered in texts of child psychology. The book, by Peter and Iona Opie of nursery rhyme fame *(The Oxford Dictionary of Nursery Rhymes)*, is an anthropology of the backyard, of what children say. From it we learn that British childhood is a time of internecine one-upmanship.

The Lore and Language of School Children
by Peter and Iona Opie
(Oxford; $8)

> "Some people," remarks a young informant, "have a bright answer to whatever you say. If you ask them where they have been, they reply, 'Oh! Just so far and no further.' When you question, 'Who have you been with?' They answer, 'Me, myself and I.' Then there is the time you ask how many people there were at the football match, and they answer, 'The biggest part of a good few.' Then you ask them, 'Why?' and they answer you, 'Z.' Then a person tells you how to do something, and you inquire, 'What for?' and they answer, 'Five'."

Having the last word is more important than the quality of the wit. Words in the form of questions are barbs to be used on others and to be avoided oneself. "What's your name?" "Same as me Dad's." "What's your Dad's then?" "Same as mine." "What are you going to be when you grow up?" "A man I hope." "You shut up or I'll give you a perishin bash on the boko with a poker." "Same to you with knobs on." But paradoxically this playworld is a civilized one. Physical retaliation is confession of mental defeat. If we may make our deductions from these childish practices, the mode of their real world is one of question and answer. Adults are like this with children; children are like it with each other. There are a thousand ways to gain an advantage: trick questions, trick riddles, jeers, trick bets, made-you-look tricks, spitting jokes, self-incrimination traps, trick spelling, trick arithmetic, and embarrassers. Sometimes the advantage is already given because the opponent has some built-in handicap. He is a greedy guts, a runt, a skinny, a lanky, has red hair or a funny face. Or maybe he doesn't even know the basic codes. He is a crawler, a spoil sport, a sourpuss, a clever-dick, a fool, a swank, a nosey, a stare-cat, a coward, a cry-baby or a sneak. Or perhaps he can be tripped up on the more "refined" codes; he picks his nose, he stinks, he talks too much.

The adults who have provided the models for this verbalized strife, can also be attacked or parodied. Their doors can be knocked, their windows tapped, they can be misled by booby-traps. They can be made to stoop for non-existent coins. And, girls, who have become more masculine in most things in this century, have become more masculine in this too. They share this malarkey. Teachers are fair game:

> Miss Jonesy bent to pick a rose,
> A rose so sweet and slender;
> Alas! Alack! She bent too far,
> And bang went her suspender.

The sacred institutions of adults can be mocked: "Our father which are in heaven, bought a pair of braces for two and eleven." Adult morality can be defied:

> Shocking, shocking, shocking,
> A mouse ran up my stocking,
> When it got to my knee
> Wow! what did it see?
> Shocking, shocking, shocking.

The Opies make the intriguing point that scurrilous materials offer the best examples of what is transmitted by talk because they are seldom written down. Nevertheless, "genuine erotic verse . . . is unusual . . . youngsters whispering together, passing some verse to each other and giggling, though they refuse to tell what it is, are probably interested in nothing more sordid than the deeds of nature, an intimate garment, or a crude word." But as most of the authors' materials were written down for them by children and passed through the hands of teachers, we must remain unconvinced. There is considerable "oral" evidence that some children beyond the age of eleven parody the erotic lives of their elders in lurid detail.

Fortunately, in this juvenile world of parry and thrust, like the knightly world of old, there are beliefs and customs which draw the members together. There are common thoughts and superstitions about ambulances, white horses, lines on the pavements, beetles, bridges, cats, blindmen, funerals, ladders, dung, lady-drivers, magpies, mail-vans, nuns, rain, rainbows, spiders, trains and even cross-eyed women. There are multiple codes which govern such exigencies as finding things that don't belong to you, passing examinations, swopping, making bets, reading character, finding a sweetheart's name, testing affection, claiming precedence or respite. And, when necessary, ways of pledging trust through bible oaths, crossing of hearts or dropping down dead:

> "Is it true?"
> "Yes."
> "Will you take an oath on it?"
> "Yes."
> "Will you take your bible oath on it?"
> "Yes."
> "Will you cut your throat if it isn't true."
> "Yes."
> "Will you bet a penny on it?"
> "No. I'll not go *that* length."

There are calendar customs which unite children in a parade of temporal expectance: New Year's Day, Kissing Friday, Guy Fawkes, Taily Day, Mischief Night and the first of the month. And lan-

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guage itself is a source of common interest. The youngest discover and take pleasure in the manifold nuances of words, metaphors and meanings:

> "Rhyme seems to appeal to a child as something funny and remarkable in itself, there need be neither wit not reason to support it. It takes a long time before they cease to be amazed that one word can have more than one meaning. Children who ask each other rhyming riddles may well be reciting pieces of poetry as worthwhile as any they are made to recite in the classroom. The descriptions these riddles give of their solutions are usually phrased highly imaginatively in terms of something else. Thus a candle is seen as a little girl in a white petticoat, a cabbage is thought of as made of numerous patches set on top of each other . . ."

The authors demonstrate with masterly historical sleuthing that in the British Isles at least the current language and lore of schoolchildren has deep roots in traditional practices tracing back for centuries. The serious pastimes, sacred poems, and sober songs of yesterday are the playthings of today's children. Dean Swift's collection of "genteel and ingenious conversation" in the times of Queen Anne and George I is a form of repartee still to be found amongst schoolboys and girls:

> *Colonel Atwit:* Pray, Miss, how old are you?
> *Miss Notable:* Why I'm as old as my tongue and a little older than my teeth.
> *Mr. Neverout:* Pray, Miss, why do you sigh?
> *Miss Notable:* To make a fool ask, and you are the first.

Whether or not there is more or less of this lore than there used to be is difficult to gauge on the basis of the Opies' sampling which although very extensive is mainly anecdotal. But this is a minor point. In an age in which we are asking ourselves what leisure means, what play means, and are uneasily realizing that we do not know very clearly how to think about such things, the Opies have given us a testament to the virility of childish play. It is an awesome course in the joy of no longer being a child.

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IS THERE AN AMERICAN IN THE HOUSE?

Macmillan

A Vision Deep and Narrow

by Frank J. Warnke

Flannery O'Connor's latest novel is built around a fairly complete collection of the stock materials of contemporary Southern fiction – the back-country farm, the fanatic old man, the twisted adolescent, even, God help us, the idiot child. It is in the line of Southern literary tradition in its general mode as well – psychological realism leavened by a pervasive allegorical potentiality. In short, it is very deeply a work of convention. The convention, however, is one which apparently matches Miss O'Connor's vision of life, and within it she creates a work of compelling power.

The Violent Bear It Away
by Flannery O'Connor
(Farrar, Strauss, and Cudahy; $3.75)

In a run-down shack in a forest clearing, the 14-year-old orphan Francis Marion Tarwater lives with his great-uncle, a religious fanatic who feels that he is a prophet called by the Lord to announce to the world its imminent doom. Old Tarwater has stolen the boy as an infant from his uncle, an atheist schoolteacher. When the prophet dies, at the beginning of the novel, he bequeathes to the boy the burden of his vocation, the duty of giving him Christian burial, and the task of baptizing the schoolteacher's idiot son. Young Tarwater, however, with no desire to play Elisha to the old man's Elijah, affirms his freedom by setting fire to the shack which he believes still holds the corpse and by running away to the city and his uncle.

Tarwater's quest for his own identity requires that he triumph in the two conflicts which then face him – conflict with Rayber, his uncle, who wants to re-make him in the image of his own sterile secularism, conflict with himself because of his irresistible compulsion to baptize the child. He wins the first battle decisively; he loses the second when, in a last desperate existential assertion, he drowns the child but finds the words of baptism spilling from his helpless mouth. Doomed already, he learns that his great-uncle has actualy been given burial by a Negro neighbor, and the call to prophecy descends on him.

The "Southernness" of Miss O'Connor's work lies not only in her choice of materials and in the ritualistic resolution through violence but also in an intensely theological orientation. Like writers as diverse as Faulkner and R. P. Warren, Miss O'Connor is concerned above all with the misery of man without God. Her development of the theme is not simple: Rayber's atheism is presented as empty and futile, but at the same time the prophetic vocation of the old man and the boy is seen as destructive and mad. The old man has, as Rayber says, "called himself," and Miss O'Connor's prose suggests in his calling an alienation from divinity almost as complete as Rayber's:

> "He proclaimed from the midst of his fury that the world would see the

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sun burst in blood and fire and while he raged and waited, it rose every morning, calm and contained in itself, as if not only the world, but the Lord Himself had failed to hear the prophet's message."

The cruelly distorted symbols of blood and fire which permeate the novel suggest further horrors in the old man's obsession, and the allegorical implication of the book's climax – a mad and murderous John the Baptist baptizing an idiot Christ – embodies an almost unbearable view of the predicament of modern man.

The vision, however distressing, is a powerful and deeply-felt one. It would be more powerful if the cards were distributed a bit more fairly. For, if we can accept the Tarwaters as a convincing version of certain desperately driven religious men (and it is hard not to accept such vigorous and finely-detailed characterizations), we cannot really accept Rayber as anything, least of all as the embodiment of secular humanism – a creed which, whatever its aesthetic shortcomings, does not lead inevitably to paralysis of the emotions. One suspects, in Rayber, a straw man, and his dry rustlings do not make it any easier to go along with Miss O'Connor's persistent suggestion – that the Tarwaters, however misled and doomed they are, are somehow closer to the vital principles of freedom and passion than is the atheist. It won't work.

Flannery O'Connor's gifts as a novelist go beyond stylistic felicity. She penetrates the tortured minds of her characters with sympathy and, occasionally, even rueful humor. But the final impression the book leaves, for all its great virtues, is one of crankiness and provincialism. Why? Does it have something to do with a national conviction that only violent actions performed by ignorant and underprivileged people are "real" enough to write about? Does it have something to do with that vision which has always haunted our imagination – of a man utterly alone trying to discover his relationship to God and reality? Does it perhaps suggest that our culture itself is cranky and provincial? The questions are pertinent, but I suppose it's ungrateful, when there are so many bad novels around, to let them be raised by a good one.

What Is "Realism" in Foreign Policy?

by Charles Burton Marshall

A debater learns to employ certain words to foreclose argument, leaving an adversary at the disadvantage of being tagged with their negatives. Among the most useful terms are realism and its cognates, reality and realistic.

A certain school of thought about international relations asserts a claim on these terms. It searches for the enduring motives underlying the asserted issues of the moment. It reads between the lines of righteous rhetoric, seeks out factors of self-interest concealed in propositions of virtuous purpose, skips the preambles, scans the communiques with raised brow, and doubts formulas for deliverance and a new day.

Political Realism and the Crisis of World Politics
by Kenneth W. Thompson
(Princeton; $5)

This is all to the good. Even more so than domestic politics, international relations are full of guff – what with the proliferation of visits, the teeming conferences, and the endless protestations of good intent. The work of such astringent analysts is indispensable. It is important, though, to turn an exacting eye on the realists lest they carry their realism to unrealistic lengths.

There can be no doubt of Kenneth W. Thompson's place in the group. His new book has *Realism* as the featured word in the title. It is a book not so much about foreign policy as about ideas about foreign policy – ways to think and not to think about the topic. It brings impressive erudition and judgment to bear in expounding and comparing the ideas of a wide array of scholars and statesmen and drawing parallels among events at far remove. It airs sound misgivings about forum diplomacy, ably exposes the fallacies of collective security, and shows scant

A Perceptive "Political Psychoanalysis" of Troubled France by a Former Member of De Gaulle's Personal Staff

The French and the Republic

By CHARLES MORAZ, *Director of Studies, Centre des Hautes Etudes and Professor, Institut des Sciences Politiques. Translated by* JEAN-JACQUES DEMOREST, *Professor of Romance Literature, Cornell University, with a Preface by* MARIO EINAUDI, *Professor of Government, Cornell University*

A Frenchman tries to explain his country in geographic, economic, and socio-psychological terms, and suggests what attitudes and conditions may have contributed to her problems.

The *American Historical Review* said of this book: "The result is an extraordinary display of fireworks, which come thick and fast . . . a thoroughly enlightening discourse on modern France, her origins, her present troubles (not least, her North African misfortunes), and her prospects."

224 pages, illus., paper, $3.50

Cornell University Press

124 Roberts Place, Ithaca, New York

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patience with the current preoccupation with the diplomacy of good will which lards the issues over with personal unction. Despite novelties in verbal and organizational forms, international relations remain, for Thompson, a complex of rivalry and concord concerned with concrete interests. Hope lies in bringing long perspectives to bear, letting things ride along, and not being exigent about perfect solutions. All this is to his credit.

Thompson makes a passing bow toward goals, referring to the importance of some unifying ultimate purpose to bridge divergences among nations. At the same time, he sees the "ultimate truths of democracy" as "stated best in the crucible of experience when free men faced with stubborn realities prick out solutions through the thrust and counterthrust of open discussion." Again, the values of democracy, he says, "while anchored in what the Founding Fathers called the Higher Law, are forever evolving and in the process of becoming." On balance he clearly belongs among those who emphasize process rather than goals.

In international affairs it would be utopian in the worst Wilsonian way to expect democratic views of process to prevail universally or to rely on open discussion to show the way. He favors a recovery of "the art of diplomatic conversations" – to be "practiced not merely in high level conferences." Thereby "we might discover what possibilities exist for disengagement in Central Europe, for some kind of lowering of temperature in the Middle East," and for some rational accommodation replacing the contest in weaponry.

The remedy must relate to a diagnosis. Thompson believes: "In the present crisis between East and West . . . historians may show that the ideological aspect of the struggle was accidental in comparison to the more profound and underlying political struggle." He adds, "In this tragic predicament, the one source of relief . . . can come from the accommodation of conflicting political interests. . . ." He voices hope for escape from "the final illusion that we are or can become so strong and virtuous that we need not be ever vigilant to reasonable prospects for compromise and adjustment in the Cold War."

The compartmentalizing between "ideological" and "political" and the downgrading of the "ideological aspect" to "accidental," however convenient for his argument, seem to me to fly in the face of reality. Here the author, I should say, "squints and overlooks half the facts and half the difficulties" – a phrase from Santayana applied by Thompson in criticism of others. No, "half the difficulties" is too modest a measure. The hypothetical views of future historians in no way help dispel obdurate central facts of the plight that is confronting all of us now.

I do not know precisely what Thompson has in mind in referring to "reasonable prospects for compromise and adjustment in the cold war" and "the final illusion" of not needing to be on the lookout for them. No such prospects have yet been hinted in my spectrum of reality. The illusion he mentions is far, far down on my worry list. The imminent dangers are of a very different sort.

THE CAMPAIGN AND ITS LITERATURE

Unction or an Acid Bath

The Remarkable Kennedys
by Joe McCarthy
(Dial; $3.50)

This curious production on form is the second canto of the Kennedy campaign rhapsody, following up and to some extent repeating a frankly adulatory job that appeared some weeks ago. This, too, is adulatory on its face and at first glance might pass for a typical campaign biography. It is an anointment, all right, but whether the effect is that of unction or of an acid bath is a question.

On the positive side may be listed the author's defense of Senator Kennedy's course with regard to the censure of Sen. Joe McCarthy. He establishes Kennedy's intention to vote for censure, and explains his failure to be paired by the sufficient excuse that he was critically ill and under sedation at the time. He makes a good case, too, for Kennedy's political courage on many other issues; and he closes with a really eloquent plea for the Senator as the Democratic nominee.

But his narration of the remarkable exploits of the Kennedy family – and they are not only remarkable, but in many instances magnificent – is so effusive and so abusive of the alleged Protestant bigotry of Beacon Hill as to create the impression of a tightly-knit group engaged in an implacable vendetta against those who scorned and humiliated them.

Joseph P. Kennedy, patriarch of the tribe, went to Harvard where he made Hasty Pudding, the Dickey, and the DU Club, rather a surprising record for a social outcast. Two of his sons were also Harvard men. One of his daughters married the heir to a British dukedom, and all the children married into wealthy and socially prominent families; so the suffering of the Kennedys is not exactly heart-rending.

The book asserts that Joseph P. Kennedy did good work in establishing the Securities Exchange Commission, better work as head of the Maritime Commission, and the best work of all in his first year or two as Ambassador to London, all of which is true. It also alleges that he made $250 million, first as a stock-market gambler, then as a movie tycoon, and finally by wangling permits to import enormous quantities of Scotch whisky just before repeal; but there is no suggestion that this, rather than his religion, may have accounted for the distaste of Beacon Hill.

And why was it necessary to mention that he contributed $2,000 to Joe McCarthy's campaign fund at the suggestion of his good friend Westbrook Pegler? McCarthy and Pegler are not idolized by most Democrats.

So the net effect of the book is somewhat doubtful. It portrays Senator Kennedy as able, aggressive and amazingly vigorous despite his serious spinal injury; but his political philosophy is left obscure. Intentionally or unintentionally, the book presents the Senator less as a candidate for President than as leader of the Kennedy clan in their effort to be revenged upon "Protestant bigots"; and that is of small interest to the country.

GERALD W. JOHNSON

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ART

The Visibility of the Intellect

Rather like Harry Truman in 1948, an encouraging number of painters and sculptors addicted to using their brains have refused to read, or reading have refused to believe, the insistent obituary notices about them and their work. The unregenerate persistence of these artists is being rewarded and their work is becoming visible once more as the dark night of visceral art fades into an exhausted and grimy dawn. Two painters

David Smith, *French and Company*
Durchanek, *Graham*
Colleen Browning
Robert Isaacson Gallery
Cleve Gray, *Staempfli Gallery*

and two sculptors recently shown in New York exhibited four completely independent ways. The only common note in the four shows was the presence of the intellect as control.

David Smith has been around a good while; the fact that he never looked better than he does right now is attributable to the fact that his present has grown out of his past, not been wrenched away from it. One part of that past was a series of low relief bronzes cast in 1939 and '40, medallions celebrating various forms of social injustice. The general spirit of these is related to such a postwar piece as *Woman in Subway*, also bronze, in which the specific social comment is softened in a greater concentration on sculptural form. This concentration leads to the work on view at French's. The high wit of perception is present in such a small piece as *Egg Temple*, in bronze and done this year, which says in the first place that five egg cartons of a certain kind, placed one on top of another, bear a surprising resemblance to an Asiatic temple. Literally the flashiest work in the show are some large constructions in stainless steel. These range from nine to twelve feet and consist of plates and bars welded together and given a high polish which reflects light wonderfully, twisting and curving it into the paths of the buffer. The pieces themselves are so arranged as to look as if they are parts of an elaborate balancing act just on the point of collapsing. But the structure does not collapse in your mind because a new balance reveals itself as you watch. Both the precarious arrangement of plates and the shimmering light play against an aesthetic balance which is absolute. Less spectacular but just as perfect is the equilibrium maintained through smaller pieces called *Albany* and *Raven*, the former discs, the latter at first sight a handful of metal scraps flung in the air and frozen in a moment of flight. The moment, however, is exquisitely chosen.

The sculptor known simply as Durchanek recently showed work worlds removed from the elegant forms of David Smith, yet they too gave evidence of being the refinement of social observation. Durchanek's men and women, often larger than life, are made of hammered sheet metal. The only other sculptor the medium suggests is the late Saul Baizerman. They are completely different. Durchanek's people are in the round and, usually, dressed, in however simplified a style. Baizerman preserved the identity of the metal sheet itself, leaving us to marvel at the coexistence of form and matter. The hammer strokes, to me at least, spoke more of the love and patience with which the work was wrought than of anything else. The strokes in Durchanek's work somehow relate more closely to the image made; they are like parts of everyone's history, made by heavy and unceasing strokes.

The bludgeonings of chance and, for that matter, the fell clutch of circumstances, have played a part in the painting of Colleen Browning for as long as I've known it, about ten years. Her subjects are still the victims of the city, but the painting itself has deepened enormously in that time. Her work of a decade ago had an immediate impact and contrasted, often, gentle and beaten Harlem faces with the bright geometry of the city. Now she uses glazes to good effect and her people exist in deep luminosity rather than against dazzling geometry. She has moved toward the full potential of painting where she formerly relied more exclusively on drawing and design. *Revolving Door* is a natural subject for the early Browning, but the present painting gains greatly from the control of murky depth within the work. A series, *The Bench*, takes a given park spot through the colors of spring and early summer. What is said about the people on the bench is said better for the glowing atmosphere in which they sit. A group of unpeopled Irish landscapes are completely successful in evoking at once the grasses and the spaces of a countryside loved.

A large exhibition of paintings by Cleve Gray has been called neo-Cubist; it could with more reason be called neo-Piranesi. Gray, especially in some big works based on Moorish monuments in Spain, achieves in a narrow range of colors the feeling of heights and depths, intervening columns and intersecting arches that the great engraver saw in his imaginary prisons. The forms are abstract, the response is human, the balance, like Smith's is celestial.

Frank Getlein

SHOULD AMERICA ELECT A CATHOLIC PRESIDENT?

GOD AND MAN IN WASHINGTON

BY PAUL BLANSHARD

FRANKLY DISCUSSES THESE CONTROVERSIAL QUESTIONS

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THEATER

The Play and the Unplay

The Thurber Carnival
by James Thurber
(ANTA Theater)

There Was A Little Girl
by Daniel Taradash
(Cort Theater)

Toys in the Attic
by Lillian Hellman
(Hudson Theater)

When you consider the countless revisions imposed on most plays, not to mention the astronomic sums at stake in all productions, it is really astonishing how many of the commodities currently being bartered on Broadway lack even the minimum formal requirements of drama. These are not plays but unplays – works generally imported from, or designed for, another medium which never make an adequate transition to the theater. Such an unplay is *The Thurber Carnival* which recently came into town masquerading as a comedy-revue. Presumably "adapted" from the author's already familiar anthology of whimsical stories, essays, and fables, it labors to find some dramatic existence on the stage. But the stories are still fictions, the essays still narratives, the fables still cartoons – the adaptation, quite simply, has never taken place. What is offered instead is an abridged edition of the anthology with all the *he saids* in place, read aloud by actors who never quite unglue themselves from the printed text.

A really dreadful example of the unplay is *There Was a Little Girl*, Joshua Logan's latest peek under the covers of teenage sex. This tasty delectation, which compares favorably with such companion classics as *Hotrod Girl* and *Teacher Was a Sexpot*, has the form and content (it is about a girl who gets raped and can't remember whether or not she liked it) of a Grade C movie. When the play's title is projected on a scrim to the accompaniment of gushy background music, and when this music continues to ooze through the dialogue, all the other conventions of this form seem inevitable: the "frank" talks between parents and child, the wiseacre little sister who wants to know all about sex, the juke-box dancing sequences performed by tightly-jeaned males and tightly-sweatered females, and the awful juvenile self-consciousness which always characterizes tenth-rate movie acting (third-rate in the case of Jane Fonda who at least has mastered a few fashion stances out of *Vogue*). The whole thing leaves you dazedly waiting through the curtain calls for the main feature while groping for your popcorn and candy.

Toys in the Attic presents a problem of an entirely different sort, for this one is unalloyed drama from the ladle of a master dramatic craftsman, served up in a highly professional ensemble performance under the tight direction of Arthur Penn. Lillian Hellman, unlike most Americans writing for the theater today, is a playwright in the original sense of the word, a maker or fashioner of plays – her work is constructed with all the rigidity and tensile strength of a steel girder. Nothing is superfluous; every gesture contributes to the central action; and even the props, set, and costumes have an illustrative function. The characters are enmeshed together like the threads in a tapestry, and the literate dialogue – even when it seems to wander – is always secretly rolling towards the inevitable catastrophe.

Yet, despite the perfection of its form – one might even say because of it – *Toys in the Attic* never seems more than a moderately interesting play. One is too aware of contrivance and manipulated action, and the characters (except for a weary, wealthy Southern lady with a Negro lover) do not have much life beyond their dramatic function. Miss Hellman's most serious failing is her compulsion to have every dramatic hair in place, and despite her recent experiments with Chekhovian technique – undertaken, I suspect, to loosen up her writing – the illusion of spontaneity is never quite sustained.

What is more, her new flirtation with Freudianism has a constricting effect on her theme, robbing it of that savagely indignant mood which distinguished her earlier writing. *Toys in the Attic* is about two things: the effect of money on people's lives and illusions, and the destructive springs which run under the surface of love relationships. The two Bernier sisters, wispy Carrie and self-sufficient Anna, live in near poverty in New Orleans dreaming only of a trip to Europe and a good life for their unsuccessful, good-natured brother Julian. When Julian returns with his slightly mad wife after a year's absence, he has a large roll of bills obtained from a mysterious source. But although this money gives him the independence his sisters say they desire for him – and satisfies their other ambitions as well – it makes no one but Julian happy. Most important, it opens up Carrie's true aggressive character and exposes the incestuous feelings she has for her brother. Acting on the need to keep him a dependent failure, she manipulates events so that the mysterious source is revealed with the result that Julian loses the money and returns, helpless and defeated, to his old way of life.

Such a synopsis can hardly do justice to the intricacy of a well developed plot, but I think it illustrates that Miss Hellman's concern with incestuous desire, treated like a climactic and shattering revelation, is simplistic, unnecessary, and over-weighted. The author is much more original in examining the catalystic, organic effect of money on people's lives. Julian's roll of bills, which he has perfumed and which he constantly strokes, functions almost like a character – "a pure lady who swore an oath never to stay with anyone who didn't love her." It changes people's masks, alters their relationships, exposes their true desires, matures them, and gives them independence and respectability, but although Miss Hellman clearly understands the almost human personality of money, she has not given it any more than a parochial significance

NOTES ON CONTRIBUTORS

Brian Sutton-Smith *is on the psychology faculty of Bowling Green (Ohio) State University.* Frank J. Warnke *teaches English at Yale.* Charles Burton Marshall *is the author of* The Limits of Foreign Policy.

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in this play. Money here has a psychological rather than a social impact on the personal problems of a very special group of people. As a result, the theme of the play – that "there's something sad in people not liking what they want when they get it" – is one that comes perilously close to homily.

Lillian Hellman is a playwright in the true Ibsenite tradition not only in her technique but in her understanding that realism has less to do with the recreation of surface authenticity than with the stripping away of the surface to the reality underneath. Yet, in this play, her technique has so overwhelmed her insights that she has been unable to work her way through to areas of larger awareness. *Toys in the Attic*, while always intelligent and possessed of a quiet dignity which is rare on Broadway, is too well-corseted a work to let its author breathe the free, inspired air.

ROBERT BRUSTEIN

Correspondence

Catholics and Freedom

Sirs:

I am sorry if it was any harshness in my review of *God and Man in Washington* (February 22) that tempted Paul Blanshard to write his reply (March 7). If so, the best reparation I can make to Mr. Blanshard is to ignore the two-thirds of his letter that is a personal attack and comment on the approximate one-third of it that is substantive.

Mr. Blanshard states that "if Catholic authority were confined to the spiritual level there would be no serious church-state problem involved." Mr. Blanshard's worry is *precisely* that religion will go out from the Sacristy and attempt "to make its voice heard in public affairs." In the words of Mr. Blanshard's letter: "Authoritarian rule negatives choice for Catholics in the areas of birth control, divorce, censorship, the maintenance of a separate denominational school system, mixed marriage, hospital practice, and the appropriation of public money to sectarian enterprise. In these areas American Catholics are not free citizens if they accept the full teaching of their church."

In other words, the only "free citizens" in American society are those who accept majoritarian democracy as the test and ultimate end of all values. It is thus not only Catholics who are excommunicated from Mr. Blanshard's "free" society; it is anyone who believes in a level of truth that transcends, and ultimately judges, majoritarian democracy, or any other political society.

On many specific questions I agree with Mr. Blanshard. I agree with him, for example, that the anti-birth control statutes in Massachusetts and Connecticut should be repealed, and that the Catholic pressure which maintains them on the books is deplorable. I take the same view he does of many Catholic efforts in the area of censorship; like him, I think that the divorce laws in New York State are a scandal that cries for reform; and I am (I hope) as concerned as he that Church and State should remain separate in the United States.

There can be no doubt that a profound distrust of Catholic intentions toward the free society exists in the United States. And the American non-Catholic community is not entirely to blame for this. The public face of American Catholicism has too often been the face of an ecclesiastical Mrs. Grundy; the voice of American Catholicism has too often been a voice from the past, speaking in the accents of a "Christian" society that will never return. And the public actions, the group pressures, of American Catholicism have too often ignored the proper limits of such action within a liberal-pluralist society. The results have been to create that image of Catholicism as a monolithic, anti-democratic power structure which troubles many non-Catholics – and, increasingly, many Catholics, too.

For the health both of American Catholicism and American democracy this image must be changed. If it is to be changed, American Catholics will have to relate to the democratic ethos more positively, more creatively, than they generally have in the past. But American non-Catholics have an obligation, too: they must somehow rid their imaginations of those anti-Catholic stereotypes which continue to distort the "liberal" view of the Roman Church. Mr. Blanshard is not really criticizing the complex, evolving phenomenon of Catholicism at all: he is making war on a caricature.

William Clancy
New York, N.Y.

Sirs:

The Catholic in America is typically a member of a minority group; all good-sports Protestants will give him the old American sympathy-due-the-underdog. Question: How does the Catholic behave where he is in the majority? Here in Boston the mayors always seem to turn out to be Irish Catholics, and all the leading candidates seem to be either Irish Catholics or Italian Catholics. Strange coincidence!

I personally would be much more willing to vote for a Catholic President of the United States if Boston had a Protestant mayor once in a while. But I suppose this makes me some sort of paranoid!

R. Titus
Boston, Mass.

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